

LABEL, IN PART: (Wrappers) "Toms Peanut Cluster," "Milk Chocolate Peanut Soo Cluster," or "Palmer's Cherry Bing."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, an unidentified hair, a feather barbule, and a small piece of charred paper match; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 12, 1945. A plea of guilty having been entered on behalf of each and all of the defendants, a fine of \$100 on each of 3 counts was imposed.

7987. Adulteration of candy. U. S. v. James E. Harris (Harris Candy Co.). Plea of guilty. Fine, \$100. (F. D. C. No. 12611. Sample Nos. 37385-F, 37386-F, 53483-F, 53484-F, 53488-F, 53489-F, 59090-F to 59092-F, incl., 79344-F to 79346-F, incl.)

INFORMATION FILED: January 3, 1945, Eastern District of Virginia, against James E. Harris, trading as the Harris Candy Co., Richmond, Va. The information charged the defendant with delivering 3 lots of candy for shipment in interstate commerce, and with giving a false guaranty with respect to 2 other lots. The guaranty was given by the defendant to Russell Mansfield, Richmond, Va., on or about December 16, 1943. It provided that all food furnished by the defendant to the latter firm, then or thereafter, would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about March 18 and 22, 1944, the defendant sold and delivered to Russell Mansfield a quantity of candy that was adulterated.

The deliveries for shipment were made by the defendant from the State of Virginia into the States of North Carolina and West Virginia on or about December 4 and 9, 1943. On or about March 18 and 22, 1944, Russell Mansfield shipped from the State of Virginia into the States of West Virginia and North Carolina quantities of the candy which had been delivered to him and guaranteed by the defendant.

LABEL, IN PART: (Wrappers) "Nuffsed," or "Fudge Bar."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, a whole insect, insect larvae, a pupa, hair fragments resembling rodent hair fragments, and a feather fragment; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 30, 1945. The defendant having entered a plea of guilty, a fine of \$100 was imposed.

7988. Adulteration and misbranding of candy. U. S. v. Charles O. McAfee (McAfee Candy Co.). Plea of nolo contendere. Fine, \$3,000. (F. D. C. No. 14230. Sample Nos. 35265-F, 63305-F, 63306-F.)

INFORMATION FILED: February 12, 1945, Middle District of Georgia, against Charles O. McAfee, trading as the McAfee Candy Co., Macon, Ga.

ALLEGED SHIPMENT: On or about April 14, 15, and 18, 1944, from the State of Georgia into the State of Florida.

LABEL, IN PART: "Spanish Peanut Bar 5¢ * * * Net Weight 2¼ Oz."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), puffed wheat had been substituted in part for peanuts in the product; and, Section 402 (b) (4), puffed wheat had been added to the product or mixed or packed with it so as to make it appear to be a peanut bar, which is better and of greater value than the product was.

Misbranding, Section 403 (a), the name of the product, "Spanish Peanut Bar," was false and misleading; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the wrappers enclosing it bore the statement "Net Wt. 2¼ Oz.," which was inaccurate since the candy bars weighed less than that amount.

DISPOSITION: April 18, 1945. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$3,000.

7989. Adulteration and misbranding of candy. U. S. v. Carlston Candy Co. Plea of guilty. Fine, \$100. (F. D. C. No. 14272. Sample Nos. 36591-F, 36595-F, 70020-F, 70021-F.)

INFORMATION FILED: February 7, 1945, District of Utah, against the Carlston Candy Co., a partnership, Salt Lake City, Utah.

ALLEGED SHIPMENT: On or about April 11 and June 3, 1944, from the State of Utah into the State of Idaho.

LABEL, IN PART: "Claudia Hand Rolled Chocolates," "Assorted Nougat Kisses * * * Net Weight 1 Lb.," "Carlston's English Humbugs * * * Net Contents: 1 Lb.," or "Peanut Brittle."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect body parts, an entire insect, rodent hairs, a hair resembling a rodent hair, cat or dog hairs, and feather fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (e) (2), ("Nougat Kisses" and "Humbugs") the products failed to bear labels containing an accurate statement of the quantity of the contents in terms of weight, since the boxes were labeled "Net Weight 1 Lb." or "Net Contents 1 Lb." and contained less than 1 pound net weight.

DISPOSITION: February 24, 1945. A plea of guilty having been entered, a fine of \$10 on each of counts 1 and 2 and \$20 on each of counts 3, 4, 5, and 6, a total of \$100, was imposed.

7990. Adulteration and misbranding of candy. U. S. v. Blum's Confectionery. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 12613. Sample Nos. 55841-F to 55843-F, incl., 71209-F, 76905-F.)

INFORMATION FILED: January 11, 1945, Northern District of California, against Blum's Confectionery, a partnership, San Francisco, Calif.

ALLEGED SHIPMENT: On or about March 2 and 4, 1944, from the State of California into the States of Oregon and New York.

LABEL, IN PART: "Made Exclusively For The U. S. Armed Forces By Blum's," "Our Own Special Assortment By Blum's," "Your Own Special Selection By Blum's," or "Hattie Blum."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent and cat hairs, and hairs resembling rodent and cat hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Misbranding (portion), Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and, Section 403 (i) (1), its label failed to bear the common or usual name of the food and, Section 403 (i) (2), the common or usual name of each of the ingredients.

DISPOSITION: March 2, 1945. A plea of nolo contendere having been entered, the defendant was fined \$25 on each of 4 counts.

7991. Misbranding of candy. U. S. v. Fox Inter-Mountain Amusement Corporation. Plea of nolo contendere. Fine, \$450. (F. D. C. No. 14251. Sample Nos. 58253-F, 58257-F, 58260-F, 58262-F, 69089-F, 69091-F, 69153-F, 69256-F, 69409-F.)

INFORMATION FILED: January 2, 1945, District of Colorado, against the Fox Inter-Mountain Amusement Corporation, Denver, Colo.

ALLEGED SHIPMENT: Between the approximate dates of May 9 and June 2, 1944, from the State of Colorado into the States of Wyoming, Montana, and Idaho.

LABEL, IN PART: "Star Chocolate Clusters [or "Almond Mibs," "Licorice Cogs," or "Chocolate Coated Peanuts"] Contents 2½ Ozs. [or "Net Wt. 2½ Oz.]."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the bags contained less than 2½ ounces of candy.

DISPOSITION: March 5, 1945. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$50 on each of 9 counts was imposed.

7992. Adulteration of candy. U. S. v. 941 Cases, 919 Cases, and 260 Cases of Candy. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 11165, 11594. Sample Nos. 55943-F, 55945-F, 55966-F.)

LABELS FILED: December 28, 1943, and January 15, 1944, Western District of Washington.